

USSN: 09/744,799  
Attorney Docket: I/98,404 US  
Response to Office Action of July 15, 2005

**Amendments to the Claims:**

Claims 1- 15 (Canceled).

16. (Currently amended): An equine herpes virus (EHV) mutant, having at least one mutation comprising one or more deletions, substitutions or insertions introduced into the endogenous promoter region of an-essential-viral the Immediate Early (IE) gene of the EHV, whereby the level of expression of an essential gene located downstream from the mutation is reduced and the virulence of the EHV is attenuated.

17. (Currently amended): The EHV mutant of claim 16, wherein one or more deletions of between 1 and about 500 bases are introduced into the promoter region.

Claim 18 (Canceled).

19. (Original): The EHV mutant of claim 16, wherein the mutant virus is the EHV-1 virus or the EHV-4 virus.

20. (Original): The EHV mutant of claim 16, further comprising one or more mutations in one or more other genes and /or their promoters.

21. (Original): the EHV mutant of claim 16, comprising a deletion of the SacI-SacI fragment, the HindIII-ClaI fragment, the NdeI-NdeI fragment or the SphI- SphI fragment of the promoter region of the Immediate Early gene.

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22. (Original): An isolated nucleic acid molecule comprising the endogenous promoter region of the Immediate Early gene from EHV and optionally one or more flanking sequences, which promoter region comprises a deletion of the SacI-SacI fragment, the HindIII-ClaI fragment, the NdeI-NdeI fragment or the SphI-SphI fragment, thereof.

23. (Original): The nucleic acid molecule of claim 22, wherein the EHV is EHV-1 or EHV-4.

24. (Original): A recombinant DNA molecule comprising the nucleic acid molecule of claim 22.

25. (Original): A host cell comprising the DNA molecule of claim 24.

26. (Original): A vaccine comprising the EHV mutant of claim 16 and a pharmaceutically acceptable carrier or diluent.

27. (Original): A vaccine comprising the EHV mutant of claim 17 and a pharmaceutically acceptable carrier or diluent.

Claim 28 (Canceled).

29. (Currently amended): A method of genetically attenuating EHV, comprising the step of mutating the endogenous promoter region of an essential the IE gene, which mutation comprises one or more deletions, substitutions or insertions whereby the level of expression of an essential gene located downstream from the mutation is reduced and the virulence of the EHV is attenuated.

30. (Currently amended): The method of claim 29, wherein the EHV is EHV-1 ~~and~~ or EHV-4.

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Claims 31 – 36 (Canceled).

37. (Currently amended): A vaccine comprising the EHV mutant of claim ~~32~~ 16 , and a pharmaceutically acceptable carrier or diluent.

38. (Currently amended): A vaccine comprising the EHV mutant of claim ~~33~~ 17 and a pharmaceutically acceptable carrier or diluent.

39. (Original): The EHV mutant of claim 21, wherein said deletion is of the HindIII-ClaI fragment.

40. (Original): The nucleic acid molecule of claim 22, wherein said deletion is of the HindIII-ClaI fragment.

41. (Original): A vaccine comprising the EHV mutant of claim 21 and a pharmaceutically acceptable carrier or diluent.

42. (Original): A vaccine comprising the EHV mutant of claim 39 and a pharmaceutically acceptable carrier or diluent.

Claim 43 (Canceled).